

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 27, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Leo John Yallup

Case Number: 0980 1:15CR02031-LRS-1

Address of Offender:

Spokane, Washington 99260

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: January 6, 2016

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1); Crime on Indian Reservation - Assault with a Dangerous Weapon, 18 U.S.C. §§ 1153 and 113(a)(3)

Original Sentence: Prison - 70 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: June 5, 2020

Defense Attorney: Molly Marie Winston

Date Supervision Expires: June 4, 2023

PETITIONING THE COURT

To **issue a WARRANT** and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 3/29/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

3

Mandatory Condition #2: The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: The offender is alleged to have violated mandatory condition number 2 by committing the offense of driving under the influence of alcohol on or about September 26, 2021.

On June 5, 2020, Mr. Yallup's conditions of supervision were reviewed, and he signed said conditions acknowledging an understanding of his requirements. Specifically, he was made aware by the U.S. probation officer that he must not commit another federal, state, or local crime.

According to incident report number 2021-200466226, on September 26, 2021, at approximately 9:59 a.m., an officer with the Spokane Police Department made contact with Mr. Yallup after he was observed driving his vehicle southbound on a one-way northbound roadway. In response, the officer activated his emergency overhead lights and pulled up next to the offender's vehicle. When Mr. Yallup was advised he was traveling the wrong way on

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a one-way street, he did not appear to understand what he was being told. Based on his observations, the officer believed the offender was intoxicated and he instructed Mr. Yallup to pull his vehicle to the side of the road.

Mr. Yallup proceeded to drive into the exit of a Starbucks location, where he did a U-turn and appeared to be preparing to enter northbound traffic on Ruby Street. The officer observed a car that had been trying to exit the Starbucks parking lot have to move away to avoid colliding with Mr. Yallup's vehicle. The officer had to use his vehicle to block the exit so the offender could not reenter the roadway. The officer then proceeded to approach the open passenger side window, at which time he detected the odor of alcohol. He began to ask Mr. Yallup some questions, but his speech was so slurred that the officer could not understand what he was saying. Subsequently, the officer contacted dispatch and confirmed the car was registered to the offender and Mr. Yallup was able to acknowledge his identity. During their interaction, the officer observed that the offender's eyes were glossy, his speech was slurred, and he moved in a clumsy manner. The officer continued trying to ask Mr. Yallup questions, but he appeared too intoxicated to understand. He also observed that Mr. Yallup was acting "a bit manic," which suggested to the officer that he had alcohol and/or drugs in his system. The officer called a back-up unit after the offender bounced across the seats in an effort to exit the vehicle via the passenger window. Mr. Yallup also made a motion like he was drawing a firearm from his waistband and the officer drew his gun in response.

The officer instructed Mr. Yallup to remain in the vehicle with his hands on the steering wheel; however, he failed to comply and continued moving around in the front seat of his vehicle. When the officer asked him if he was willing to participate in field sobriety tests, the offender started to open the vehicle door. Mr. Yallup was instructed to close the door, but he continued to try to exit the vehicle. Subsequently, the officer moved toward the driver's side of the car where he observed an open folding knife on the floorboard by the offender's hand. The officer proceeded to remove the knife from the vehicle and again instructed Mr. Yallup to keep his hands on the steering wheel. The officer further observed that Mr. Yallup had poor balance and was using the door to keep himself from falling out of the vehicle.

A short time later, a second officer arrived on the scene to assist. At that time, Mr. Yallup continued to refuse to participate in voluntary sobriety tests and it was determined there was probable cause to arrest Mr. Yallup for driving under the influence of alcohol. When the officers attempted to place handcuffs on the offender, he responded by locking his arms. He then proceeded to dive forward to the ground where officers were able to successfully apply the restraints.

Mr. Yallup agreed to allow one of the officers to move his car so it was not blocking the roadway. When the officer entered Mr. Yallup's vehicle, he observed a cup in the vehicle that appeared to contain whiskey. Additionally, there was a half-empty bottle of whiskey on the floorboard of the passenger side of the vehicle.

Mr. Yallup was transported to the BAC room at the Public Safety Building where he refused to provide a sample of his breath. The officer continued to read Mr. Yallup his rights, but based on his level of intoxication, the officer did not believe Mr. Yallup was comprehending the information. The officer also indicated the offender was moving around quickly and may have been making gang signs. Mr. Yallup then proceeded to fall off the bench where he was

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seated and hit his head on the ground. A short time later, medics arrived and recommended he be transported to Deaconess Medical Center. At Deaconess Medical Center, he was treated for possible head injuries and a sample of his blood was collected. While at the hospital, Mr. Yallup was yelling and confrontational, and eventually had to be restrained. The results of the blood test are currently pending.

Mr. Yallup made an appearance via video in Spokane Municipal Court on September 27, 2021. As of this writing, there is no future court date scheduled.

- 4 **Special Condition #15:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: The offender is alleged to have violated special condition number 15 by consuming alcohol on or about September 26, 2021.

On June 5, 2020, Mr. Yallup's conditions of supervision were reviewed and he signed said conditions acknowledging an understanding of his requirements. Specifically, he was made aware by the U.S. probation officer that he must abstain from alcohol.

As previously noted, on September 26, 2021, Mr. Yallup was arrested by the Spokane Police Department for the offense of driving under the influence of alcohol, Spokane Municipal Court case number 1A0491237. According to the incident report, Mr. Yallup appeared to be highly intoxicated and alcohol was also observed in his vehicle. A blood test was collected at Deaconess Medical Center and the results remain pending.

- 5 **Mandatory Condition #5:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Supporting Evidence: The offender is alleged to have violated mandatory condition number 5 by possessing a dangerous weapon on or about September 26, 2021.

On June 5, 2020, Mr. Yallup's conditions of supervision were reviewed and he signed said conditions acknowledging an understanding of his requirements. Specifically, he was made aware by the U.S. probation officer that he must not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

As previously noted, on September 26, 2021, Mr. Yallup was arrested by the Spokane Police Department for the offense of driving under the influence of alcohol, Spokane Municipal Court case number 1A0491237. During the incident of arrest, the officer observed an open folding knife located on the driver's side floorboard in Mr. Yallup's vehicle.

The U.S. Probation Office respectfully recommends the Court **issue a WARRANT** and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 27, 2021

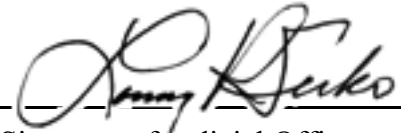
s/Lori Cross

Lori Cross

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/27/2021

Date